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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,933	12/11/2003	Mihai Rasidescu	RP-01296-US2	6667
28735	7590	06/14/2006	EXAMINER	
OSLER, HOSKIN & HARCOURT LLP (BRP) 2100 - 1000 DE LA GAUCHETIERE ST. WEST MONTREAL, H3B4W5 CANADA			WALTERS, JOHN DANIEL	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/731,933	RASIDESCU ET AL.	
	Examiner	Art Unit	
	John D. Walters	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 4 and 8 – 15 have been examined. Claims 5 – 7 have been canceled by Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4 and 10 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laimbock (6,467,562) in view of Pestotnik (6,182,784). Laimbock discloses a drive unit for a motorcycle comprising:

- a v-type engine (Fig. 2);
- said v-type engine comprising two cylinders being relative to one another at an angle between about 82 and 90 degrees (column 2, line 67);
- a transmission (Fig.2, item 9).

The transmission of Laimbock is directly connected to said engine via gearing. It is not separated and connected via an endless drive. Pestotnik, however, discloses an all terrain vehicle drive train comprising:

- a separate transmission (Fig. 2, item 68);
- an endless connector, i.e. belt, connecting said engine and said transmission (Fig. 2, item 44).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the endless connector of Pestotnik in the drive unit of Laimbock in order to provide flexibility in the placement of drive train components within said unit.

Claims 8, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laimbock (6,467,562) in view of Pestotnik (6,182,784) as applied to claims 1 – 4 and 10 – 13 above, and further in view of Ducati Museum web page. Laimbock in view of Pestotnik do not specify the engine displacement. The Ducati Museum web page, however discloses:

- development of a 750cc, 90 degree v-type engine in the early 1970s.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make use of a 90 degree, v-type engine of 650cc or greater within the drive unit of Laimbock in view of Pestotnik in order to provide required power for high performance applications.

Response to Arguments

Applicant's arguments, see pages 7 and 8, filed 6 June 2006, with respect to the drawings have been fully considered and are persuasive. The objection of 14 December 2005 has been withdrawn.

Applicant's arguments, see pages 8 and 9, filed 6 June 2006, with respect to the specification have been fully considered and are persuasive. The objection of 14 December 2005 has been withdrawn.

Applicant's arguments, see pages 9 – 12, filed 6 June 2006, with respect to 35 U.S.C. § 112 have been fully considered and are persuasive. The rejection of 14 December 2005 has been withdrawn.

Applicant's arguments filed 6 June 2006 with respect to 35 U.S.C. § 103 have been fully considered but they are not persuasive.

Applicant states, "Laimböck makes no mention of any type of vehicle other than a motorcycle...not remedied by Pestotnik...not remedied by the Ducati Museum web page..."

Within the independent claims, i.e. claims 1 and 10, no requirement is present for TWO vehicles to be disclosed. These claims recite "**A vehicle** selected from a family of vehicles..." (emphasis mine).

Therefore, if one member of said family is disclosed, the requirement is met. Additionally, Applicant states specifically within the remarks filed 6 June 2006, "What is claimed is a single vehicle..." (page 9, final paragraph).

That being the case, the motorcycle of Laimböck fits within the family as recited in claims 1 and 10 and satisfies the limitations of said claims.

For these reasons, the rejections stand.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

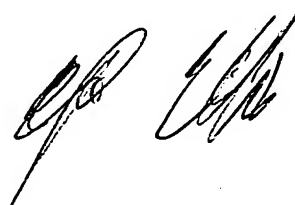
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John D. Walters
Examiner
Art Unit 3618

JDW



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

REPLACEMENT SHEET
 TITLE: Methodology for the Design and Manufacture of a Family of
 recreational Vehicles and the Vehicles Designed and Manufactured
 According to that Methodology.
 INVENTORS: RASIDESCU et al.
 APPLICATION No. 10/731,933

Reviewed for
 Entry.
 Jw 8 June 06

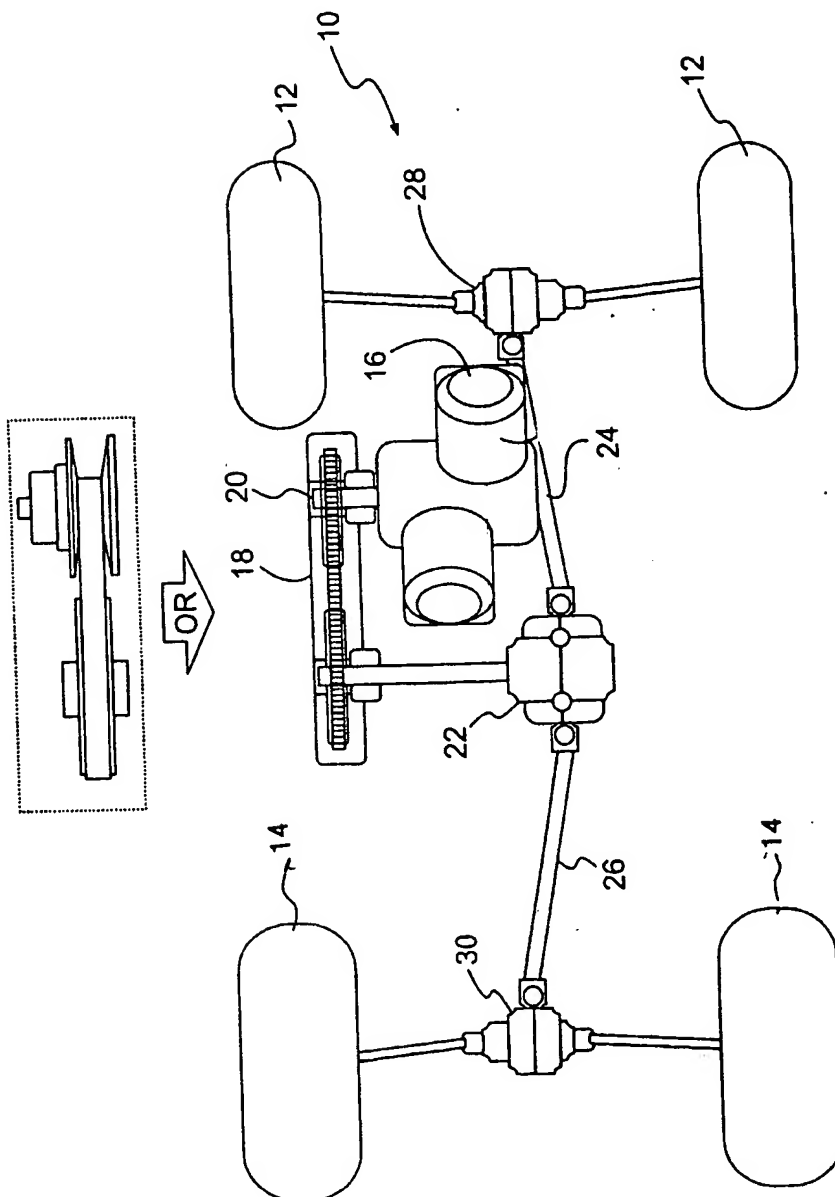


FIG. 1

REPLACEMENT SHEET
TITLE: Methodology for the Design and Manufacture of a Family of
recreational Vehicles and the Vehicles Designed and Manufactured
According to that Methodology.
INVENTORS: RASIDESCU et al.
APPLICATION No. 10/731,933

Recommended for
Entry.
JW 8 June 06

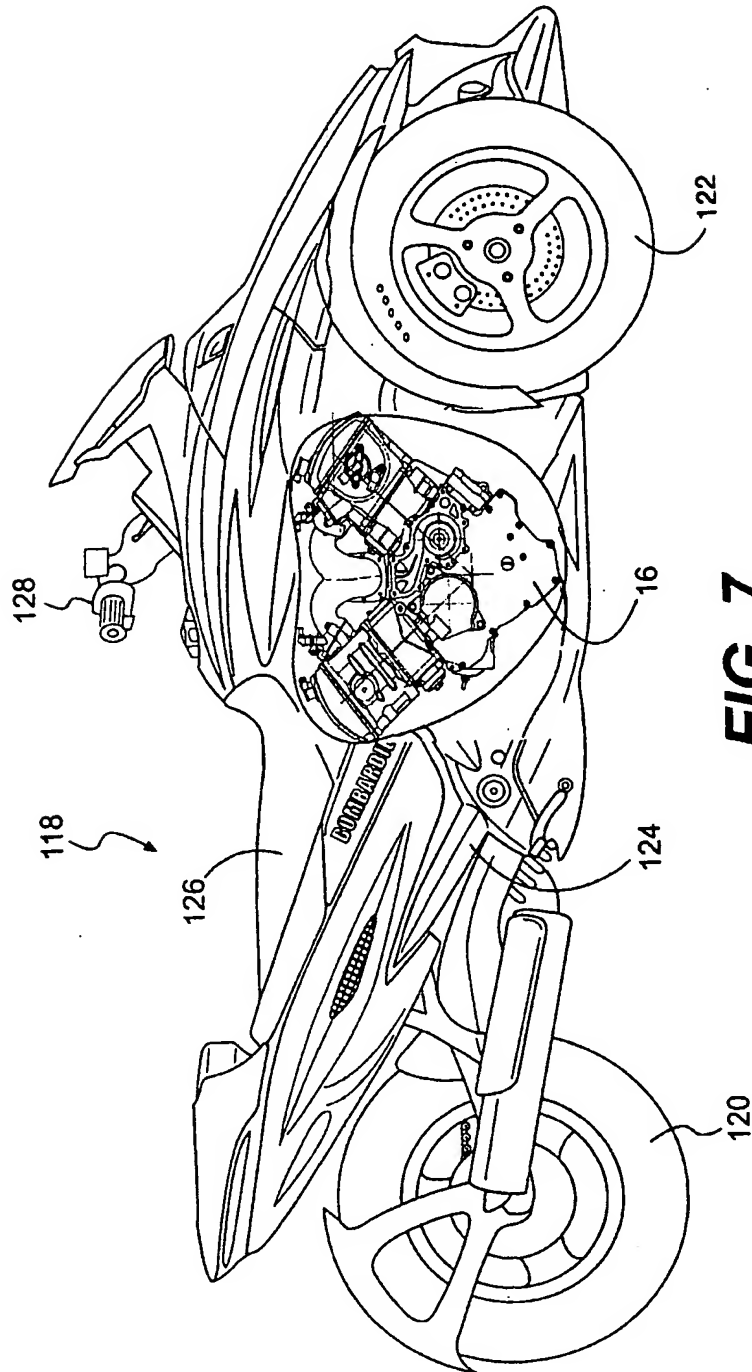


FIG. 7